



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ATL 271

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name Jill Peistrup

Application Number

09963251

Filed

2001-09-25

First Named Inventor

Gina E. Kelly

Art Unit

3626

Examiner

Lena Najarian

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 28923☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

SignatureW. Brinton Yorks, Jr.

Typed or printed name

425-487-7192

Telephone number

10 April 2007

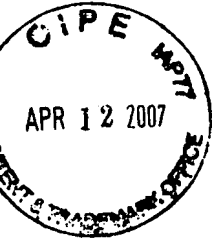
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



The present invention is narrowly drawn to a computerized medical training system which presents case studies in a virtual patient chart format. The virtual patient chart format simulates realistic aspects of a patient chart of medical records that is familiar to the medical professionals being trained (diagnostic imaging professionals in the illustrated example). See, *e.g.*, the references to patient charts in diagnostic ultrasound patents 6,475,146 (Frelburger et al.) (col. 10, line 61), 6,918,876 (Kamiyama) (col. 14, line 23) and 7,074,183 (Castellanos) (col. 24, line 49).

Claim 1 is the only independent claim in this application.

An example of a virtual patient chart is shown at 30 in Fig. 1 of this application. It is seen to simulate the traditional paper patient chart with tabs across the top for the types of documents kept in the chart.

The Examiner has cited three patents which relate to medical training systems, Allison, Eckmann, and Ramshaw et al. None of these references shows or suggests a medical training system which uses a virtual patient chart format.

The Examiner cites col. 6, lines 42-51 and col. 2, lines 28-32 of Allison in support of the Examiner's contention that a virtual patient chart format is found in Allison. A review of these passages shows that this is not the case.

The Examiner says that Eckmann teaches the use of a medical training system with a virtual patient chart (Final Rejection, page 9). The Examiner gives no indication of where this might be found in Eckmann. A review of Eckmann reveals no reference to a virtual patient chart.

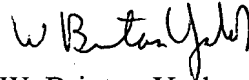
The Examiner makes no contention that Ramshaw et al. supports the use of a medical training system with a virtual patient chart but only a tutorial presenting teaching segments of medical information with animation. Final Rejection, page 9.

The cited Gray patent is concerned with an improved diagnostic system and not at all with medical training. The Examiner makes no contention that Gray supports the use of a medical training system with a virtual patient chart. The Examiner cites col. 1, lines 46-54; col. 6, line 50-col. 7, line 8; and Figs. 5 and 22 of Gray. Final Rejection pages 8-9.

The cited Garcia patent is concerned with improving the preparation and maintenance of a patient chart in a hospital through computer support. The detailed description takes the reader from the creation of the patient chart in the admitting office (col. 3-4), through the use of the patient chart at bedside (col. 5-6), its computer-aided maintenance (col. 7) to its disposition at discharge (col. 9-10). Nowhere is a medical training system based on a virtual patient chart shown or suggested in Garcia.

A central limitation of the only independent claim in this case, a computer-based medical training system with a virtual patient chart format, is absent from all of the cited references. This fact will be quickly spotted on appeal and the appealed claims will be allowed. To save all involved from a needless appeal it is respectfully requested that the final rejection be withdrawn and Claims 1-23 passed on to issuance.

Respectfully submitted,



W. Brinton Yorks, Jr.
Reg. No. 28,923

Philips Electronics
22100 Bothell Everett Highway
P.O. Box 3003
Bothell, WA 98041-3003
(425) 487-7152
April 3, 2007